

**ORIGINAL**

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
 WASHINGTON, DC 20554

**RECEIVED**

JUN 30 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of	)	
	)	
Allocation of Spectrum Below	)	ET Docket No. 94-32
5 GHz Transferred from	)	
Federal Government Use	)	

**REPLY COMMENTS OF THE**  
**NATIONAL ASSOCIATION OF BROADCASTERS**

In these brief reply comments, the National Association of Broadcasters<sup>1</sup> ("NAB") offers its support for the concept of spectrum reallocation advanced in initial comments by the Association for Maximum Service Television, Inc. ("MSTV"). In those comments, MSTV urged the Commission to reallocate the 4660-4685 MHz band for purposes of wideband, advanced digital video services and allocated to terrestrial fixed and mobile auxiliary broadcast operations.

By its Notice of Inquiry, the Commission has sought comments on how three frequency bands (2390-2400 MHz, 2402-2417 MHz and 4660-4685 MHz), targeted for near-term reallocation from government to private sector use,<sup>2</sup> should be employed in the future. While there have been many proposals for use of these

---

<sup>1</sup>NAB is a nonprofit, incorporated association of radio and television stations and networks which serves and represents the American broadcast industry.

<sup>2</sup>Such reallocation is being undertaken pursuant to the terms of the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66, 107 Stat. 312 (August 10, 1993).

bands filed in various parties' initial comments, NAB will only address future use of the 4660-4685 MHz band. Concerning this frequency band, the public interest best would be served were this portion of the spectrum reallocated to broadcast auxiliary services.

For some time it has become apparent that current broadcast auxiliary frequencies -- especially those used for Electronic News Gathering ("ENG") -- are used heavily. Indeed, in major markets, such use has resulted in virtual oversaturation of these frequencies; there is more demand for, than supply of, such frequencies.<sup>3</sup> As a result, the job of local "frequency coordinators" has become much more difficult.

Insofar as television ENG and other broadcast auxiliary operations are concerned, much information on existing usage was submitted into the records of the Commission's proceedings on the "personal communications service" ("PCS"),<sup>4</sup> and "emerging technologies."<sup>5</sup> These include various filings submitted by NAB

---

<sup>3</sup>See, e.g., NAB Comments in Gen. Docket No. 90-314, filed October 1, 1990; see also Cohen, E., Television Auxiliary Frequency Usage Surveys, NAB, June 23, 1989, submitted as an exhibit to the above-described NAB Comments.

<sup>4</sup>See, e.g. Notice of Proposed Rule Making and Tentative Decision in Gen. Docket No. 90-314 and ET Docket No. 92-100, 7 FCC Rcd 5676 (1992), and Tentative Decision and Memorandum Opinion and Order in Gen. Docket No. 90-314, 8 FCC Rcd 6589 (1992).

<sup>5</sup>See, e.g. Third Report and Order in ET Docket No. 92-9, 8 FCC Rcd 6589 (1993).

and allied parties.<sup>6</sup> These submissions have led to the Commission's decision not to propose reallocation of the 1990-2110 MHz band currently employed for various broadcast auxiliary services.<sup>7</sup>

Additional support for the notion that such television auxiliary spectrum is overcrowded (including various NAB studies and submissions) is cited in the above-referenced MSTV comments.<sup>8</sup> Of particular note is the National Telecommunications and Information Administration ("NTIA") staff study titled A Preliminary Look at Spectrum Requirements for the Fixed Services.<sup>9</sup> Here the NTIA staff reaches the same conclusion: that existing broadcast auxiliary frequency bands are very crowded and that there will be a significant growth rate in the demand for such frequencies.

---

<sup>6</sup>See, e.g., Joint Comments of NAB, et al., in Gen. Docket No. 90-314, filed January 9, 1992; see also Joint Comments of NAB, et al., in ET Docket No. 92-9, filed June 8, 1992.

<sup>7</sup>We do note, and discuss further below, the Commission's Memorandum Opinion and Order in Gen. Docket No. 90-314, released June 13, 1994. In that decision the Commission states its intention to initiate a separate proceeding, in the future, to consider the modest shifting of a portion of this 1990-2110 MHz band. Such a shift would be designed to accommodate a "world-wide" spectrum allocation for the mobile satellite service ("MSS"), while "maintaining sufficient spectrum for broadcast auxiliary use." (Id. at ¶97.)

<sup>8</sup>See Comments of MSTV in ET Docket No. 94-32, filed June 15, 1994.

<sup>9</sup>Matheson, J. and Steele, F., A Preliminary Look at Spectrum Requirements for the Fixed Services, U.S. Department of Commerce, Institute for Telecommunications Sciences, May, 1993.

The MSTV comments urge the Commission to help relieve this frequency congestion -- and better pave the way for the provision of advanced, digital broadcast and broadcast auxiliary services -- through the reallocation of the 4660-4685 MHz band for such broadcast auxiliary operations. NAB supports this concept totally. Moreover, we believe that such support is consistent with NAB's, MSTV's and other broadcasters' request that our 2 GHz broadcast auxiliary frequencies not be diminished. That is, we look to a future where existing or perhaps slightly modified 2 GHz frequencies, the proposed 4 GHz spectrum discussed herein, and other auxiliary bands will all be employed in order to continue to deliver to television viewers the types of services to which they have become accustomed, and also to bring advanced, high quality, digital operations to the viewing public.

As noted above, NAB acknowledges the Commission's stated intent to initiate proceedings that would pursue a possible, modest reshaping of the 2 GHz broadcast auxiliary band.<sup>10</sup> To the extent that the Commission later may advance such proposals, NAB will offer full comment at that time -- comment that will address the entire range of policy and

---

<sup>10</sup>Though NAB does not offer here a final position on these 2 GHz reallocation matters, it would appear that, at minimum, NAB and other broadcasters would demand that any such reconfiguration be subject to a Commission requirement that PCS and MSS operators provide broadcasters with "full compensation" for the possible spectrum shift. Such a compensation system likely would be fashioned along the lines of the policies for compensation adopted by the Commission for purposes of remunerating other existing occupants of the 2 GHz band. (See, e.g., Memorandum Opinion and Order in ET Docket No. 92-9, supra note 7.)

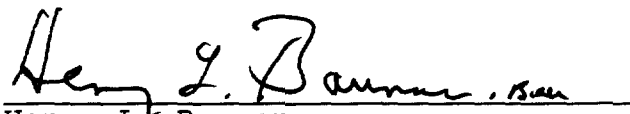
procedural issues encompassed by that reallocation concept. However, we do not believe that any action in the 2 GHz area would negatively affect the notion that additional broadcast auxiliary frequencies are required through reallocation of the 4660-4685 MHz band.


### CONCLUSION

For the reasons stated above, NAB urges the Commission to reallocated the 4660-4685 MHz band for advanced, digital broadcast auxiliary operations. Such action would better ensure that the viewing public will be able to enjoy the near-term technical upgrading of free, over-the-air television.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS  
1771 N Street, NW  
Washington, DC 20036

  
Henry L. Baumann  
Executive Vice President and  
General Counsel

  
Barry D. Umansky  
Deputy General Counsel

Kelly T. Williams  
Director of Engineering  
NAB Science & Technology

June 30, 1994